

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
NEWARK INTERNATIONAL PLAZA  
U.S. Routes 1-9 (southbound) Newark, N.J. 07114

BULLETIN 2315

March 14, 1979

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March 14, 1979

1. COURT DECISIONS - A.H.S., INC. v. WALL TOWNSHIP and DIVISION OF ALCOHOLIC BEVERAGE CONTROL - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
A-496-78

A.H.S., INC., t/a ROYAL MANOR,

Appellant,

v.

TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF WALL and DIVISION OF ALCOHOLIC BEVERAGE  
CONTROL, STATE OF NEW JERSEY,

Respondents.

---

Argued January 17, 1979 - Decided March 1, 1979.

Before Judges Matthews, Kole and Milmed.

On appeal from the Director of the Division of Alcoholic Beverage Control.

Mr. Frank M. Ciuffani argued the cause for appellant (Messrs. Wilentz, Goldman & Spitzer, attorneys; Mr. Warren W. Wilentz, of counsel).

Mr. John Jay Mangini argued the cause for respondent Township Committee of the Township of Wall (Messrs. Mangini, Gilroy & Cramer, attorneys; Mr. Roger J. McLaughlin, on the brief).

Mr. John J. Degnan, Attorney General, filed a statement in lieu of brief on behalf of respondent Division of Alcoholic Beverage Control (Mr. Mart Vaarsi, Deputy Attorney General, of counsel and on the statement).

PER CURIAM

(Appeal from the Director's decision in Re A.H.S., Inc. v. Wall Township, Bulletin 2308, Item 1. Director affirmed Opinion not approved for publication by Court Committee on Opinions).

2. APPELLATE DECISIONS - WEBCO PRODUCTS, INC., A N. J. CORPORATION v. EVESHAM.

|   |   |             |
|---|---|-------------|
| Webco Products, Inc., A N.J.<br>Corporation,      | ) |             |
|   | ) | ON APPEAL   |
| vs.   | ) | CONCLUSIONS |
| Township Council of the Town-<br>ship of Evesham, | ) | AND         |
|   | ) | ORDER       |
| Respondent.                                       | ) |             |

-----  
Hersh Kozlov, Esq., Attorney for Appellant.  
Robert S. Templin, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

A brief chronological recital of the history of the subject license would assist in a determination and resolution of the issues herein.

The respondent Township Council of the Township of Evesham (Council), on June 21, 1977, denied an application to renew appellant's Plenary Retail Consumption License, C-4, for the 1977-78 license term for premises to be constructed in accordance with proposals given to the Council when the license was initially issued at the commencement of the 1976-77 licensing year pursuant to Resolution No. 138-76 adopted by the Council on July 6, 1976. The Council's denial of renewal was based upon appellant's failure to complete construction of its proposed facility by the end of the 1976-77 licensing period.

Appellant filed an appeal from the Council's action with this Division. During the course of a partially-heard de novo proceeding, a conference was held between counsel for the parties. This resulted in certain stipulations being agreed upon, which were later incorporated in Conclusions and Order issued by the Director on August 16, 1977, as follows:

- (1) Appellant shall and does hereby request dismissal of this appeal; and
- (2) The Respondent Council upon entry of an

Order by the Director of this Division dismissing this appeal, shall promptly renew appellant's plenary retail consumption license for the 1977-78 licensing year, nunc pro tunc. Said license shall not be delivered to appellant, but shall be held by the Council pending the completion and available occupancy of the building proposed for the situs of the license, in accordance with all municipal approvals; and

(3) The parties hereto agree that, should appellant fail to have the building constructed in a manner agreeable to the municipality, with occupancy thereof approved, by the termination of the current licensing period, such license shall not be renewed for the 1978-79 licensing year.

Webco Products, Inc. v. Evesham, Bulletin 2273, Item 3.

It is noted that Resolution No. 138-76 adopted on July 6, 1976, and awarding a new license to appellant, contained a provision (Paragraph 2(b) ) which provided as follows:

that permission for said license be withdrawn in the event the applicant has not shown progress toward building within one year from the issuance of said license.

On October 18, 1977, the Council, by a vote of three to two, adopted Resolution No. 165-77, the adopting of which is the basis of the subject appeal. The said resolution, with its appendage, reads as follows:

WHEREAS, the Township Council of the Township of Evesham granted a certain plenary retail consumption license on the 6th day of July, 1976, subject to the condition that; "in the event that the applicant has not shown progress toward building by July 1, 1977, then then the license be withdrawn"; and

WHEREAS, the Township Council of the Township of Evesham voted not to renew the said license on June 21, 1977, based upon their determination that the applicant had been dilatory and lacking in good faith in regard to the said condition placed upon the license; and

WHEREAS, the applicant, Webco Products, Inc., appealed the Council's non-renewal to the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, a hearing was commenced on the said appeal but was interrupted by the hearer in order to attempt to work a stipulation of settlement of the dispute between the parties; and

WHEREAS, subsequently the Director of the New Jersey Division of Alcoholic Beverage Control issued an Order and Stipulation of Dismissal of the appeal of the applicant, Webco Products, Inc., including therein certain stipulations but not all such stipulations discussed by the hearer at the aforesaid settlement conference; and

WHEREAS, the Township Council believes that said stipulations are not binding on it, and has determined to subsequently renew the said license, without prejudice, and subject to specific and stringent conditions of renewal which conditions were recognized and addressed by the hearer, both on and off the record, which are more particularly set forth hereinafter.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Evesham that the Township Council recognizes the following facts relevant to the former decision of non-renewal and its present conditional grant of renewal of said license:

(1) The Township Council regards the prospect of the applicant, Webco Products, Inc., actually building at the site proposed to be unrealistic in view of prevailing sewer conditions. The Township Council particularly notes that there are now sewer lines within one-half (1/2) mile of the proposed liquor license site and federal regulations would prohibit any connection of a commercial enterprise to the proposed Pine Grove Section sewer lines.

(2) The Township Council acts as a Board of Health in Evesham Township and is responsible for reviewing applications for alternative sewage disposal systems. There is a very great possibility that any application for a septic system or holding tank in the area of the proposed liquor license site would be denied in the interest of public health and welfare. The Council notes that it has consistently followed this policy in the case of other applications for septic systems/holding tanks. The Council specifically notes that it has not and is not now considering any proposed application by the applicant, Webco Products, Inc., nor is Council prejudging the merits of any such application by said applicant.

(3) The Council understands in making this Resolution of renewal, that legitimate denial of any municipal license or approval necessary to the completion of the proposed restaurant-liquor facility shall not be deemed wrongful or in violation of the understandings and Stipulations of Dismissal of the recent appeal by the applicant, Webco Products, Inc.

(4) It is further understood by the Township Council in making this Resolution of renewal that if the applicant, Webco Products, Inc., feels that it has encountered a wrongful municipal action, it must immediately notify the Director of New Jersey Division of Alcoholic Beverage Control, and failure to so act will be deemed a waiver of any cause for complaint.

(5) It is further understood by the Township Council in making this Resolution of renewal that the applicant, Webco Products, Inc., is to build even in the most inclement weather in order to meet with time deadlines hereinafter imposed.

BE IT FURTHER RESOLVED by the Township Council of the Township of Evesham that the plenary retail consumption license (C-4) originally issued by the Township of Evesham on July 6, 1976 is hereby renewed solely upon the above noted and following conditions:

(1) The proposed bar and restaurant to be located on the south side of Route 70 in Evesham Township must be completely erected, fully operational as a restaurant, ready in a physical sense to conduct business operations, and shall have been granted a Certificate of Occupancy without conditions on or before the 30th day of June, 1978.

(2) That the proposed bar and restaurant shall have constructed a sanitary sewer connection, septic system or holding tank system acceptable to relevant municipal agencies. Provided, however, this condition shall not be construed to require approval of a system which does not promote the public health and welfare.

(3) That the applicant shall commence construction and continue same until completion, even in the most inclement weather in order to comply with the time deadlines imposed hereinabove.

(4) That the Township Clerk shall not physically deliver the license unto the applicant until such time

as the conditions in 1, 2 and 3 above are complied with.

(5) That the applicant cease all efforts to sell the license.

(6) That the license granted hereinunder shall not be renewed until the first regular Township Council meeting following June 30, 1978, to enable the Township Council to determine whether the aforesaid conditions have been met.

(7) That failure to obtain any or all municipal approvals required for site completion, occupancy or use shall not operate to extend the time for completing construction.

(8) That the applicant and its attorney shall sign the original Resolution, acknowledging receipt of a true, but uncertified copy of this Resolution and agreeing to and accepting the terms and conditions contained in the Resolution, which are placed on the issuance of the aforesaid license; and further accepting this action of the Township Council as constituting an exercise of the proper authority of the Township Council and means for granting the conditional renewal of the subject license, and waiving all rights of appeal or challenge to this conditional renewal as embodied in this Resolution.

(9) That the applicant is hereby noticed that in the event of a failure or refusal to comply with paragraph 8 above, the Township Clerk is hereby directed to notify all parties including the Director that renewal of said license is denied by forfeit and by direct and knowing failure on the part of the applicant to comply with lawful and fair conditions.

(10) That, in the event of a failure or refusal on the part of the applicant to comply with paragraph 8 above, the applicant shall be served with notice that such failure or refusal shall act to deny the renewal or issuance of said license even if the proposed premises is otherwise completed and ready for operation on or before June 30, 1977, and, therefore, the applicant is placed on notice that they proceed at their own risk with no right of estoppel or claim of reliance on Township or other approvals.

BE IT FURTHER RESOLVED by the Township Council of the Township of Evesham that all parties to this matter are hereby advised that the Municipal Solicitor of Evesham

Township has at no time during the deliberations and actions in this matter attempted to improperly influence or advise the Township Council or any of its members and that, in fact, the Municipal Solicitor has conducted himself in an exemplary manner having promptly and repeatedly advised the Council of the restrictions on his actions in this matter.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Township Council of the Township of Evesham at a meeting of the Township Council in the Township Municipal Building, 125 East Main Street, Marlton, New Jersey, 08053, on October 18, 1977.

\_\_\_\_\_  
FLORENCE RICCI,  
Township Clerk

We hereby acknowledge, agree to and accept the conditions and terms of the above Resolution and acknowledge receipt of a true copy of same.

WEBCO PRODUCTS, INC.

BY: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
HERSH KOZLOV,  
Attorney for Webco Products, Inc.

On December 9, 1977, the Council purported to revoke the said license C-4, citing appellant's alleged failure to comply with Resolution No. 165-77, which required the signature of appellant and its Counsel and their consent and acceptance of the terms of the said Resolution and waiver of all rights of appeal.

In its Petition of Appeal, the appellant alleges that the action of the Council is erroneous, contrary to law and contravenes the Conclusions and Order issued by the Director under date of August 16, 1977.

In its Answer, the Council denies the substantive matters contained in the Petition of Appeal and affirmatively alleges that

the appellant failed to "complete legal and proper restrictions placed upon license C-4" by Resolutions Nos. 138-76 and 165-77. It also asserts that the purported stipulation of counsel is not binding upon it; and that the Council has the statutory right to attach reasonable conditions to the issuance of a retail consumption license. It was the failure of the licensee to comply with those legitimate restrictions that cause the "denial by forfeit" of the license. Lastly, it argues that appellant has not complied with all the legal requirements of the application and appellate procedure.

The factual matrix, contained in the above recital, is not in substantial dispute.

John Garnett, Mayor of the respondent Township Council, who was present at the hearing which resulted in the issuance of the aforementioned Conclusions and Order of August 16, 1977, testified that it was his understanding that the Council, in order to comply with the said Conclusions and Order, was required to adopt a resolution. This understanding resulted in the adoption of the disputed Resolution No. 165-77. It was represented that, if called upon to testify, the testimony of the other two members of the Council who voted for the adoption of the resolution, would be similar to the testimony offered by the Mayor.

I shall, at this time, consider the defenses raised by the Council.

The Council contends that appellant "failed to complete legal and proper restrictions placed upon license" by Resolution No. 138-76. This contention was the subject matter of the appeal filed by appellant which resulted in the renewal of appellant's license for the 1977-78 licensing period by the Director, in Conclusions and Order dated August 16, 1977, abovementioned. Therefore, the doctrine of res judicata applies; and I conclude that this contention is devoid of legal or factual foundation.

The Council further contends that appellant "failed to complete legal and proper restrictions placed upon license" by Resolution No. 165-77.

It is apparent from a reading of the preamble in the aforementioned resolution that the Council sought to nullify the effect and validity of the stipulation embodied in the Conclusions and Order of August 16, 1977. The Council sought to impose a special condition (Paragraph 8) upon appellant and its attorney that they must sign the original resolution, acknowledge receipt of copy thereof and agree to and accept the terms and conditions contained therein; and, further, required the appellant to accept the action of the Council as constituting an exercise of the proper authority of the Council and waive all rights of appeal or chal-

lenge to the conditional renewal as embodied in said resolution. Paragraph 9 noticed appellant that non-compliance with Paragraph 8 would result in denial of renewal by forfeit.

Thus, I find these provisions, and, in particular, the attempt at a waiver of appeal, a patent attempt to subvert due process, and an action devoid of legal validity.

Apparently, the majority members of the Council (three to two) were dissatisfied with the stipulation agreed to by their chosen Counsel, set forth in the Division's Conclusions and Order of August 16, 1977. An appeal from the Director's Conclusions and Order, within the time provided by law, would have been the proper course of action. I find as a fact that the Council failed to honor and execute the said Conclusions and Order of August 16, 1977.

I also find that the other defenses urged by the Council similarly lack merit.

The burden of establishing that the action of the Municipal issuing authority is erroneous and should be reversed rests with appellant, pursuant to N.J.A.C. 13:2-17.6. Since the action of the Council has no legal basis, that burden has been met by appellant.

Thus, it is recommended that the action of the Council, as manifested in the aforementioned Resolution No. 165-77 and subsequent "denial by forfeit" pursuant thereto, be reversed. And it is further recommended that, pursuant to the authority granted under the provisions of N.J.S.A. 33:1-38, the previous Conclusions and Order of the Director dated August 16, 1977, be deemed self-executed, and the time within which appellant has to construct and have available for occupancy the building proposed for the situs of the license, be extended for the period of time consumed by this subject proceeding.

#### CONCLUSIONS AND ORDER

Written Exceptions to the Hearer's Report were filed by the respondent and written reply was submitted thereto by appellant, pursuant to N.J.A.C. 13:2-17.14.

In its Exceptions, the respondent reiterates its previously advanced arguments that it was not bound by the stipulation of settlement entered by its then counsel, and embodied by my Conclusions and Order of August 16, 1977. Thus, the subsequent Resolution it adopted concerning the subject license was proper. It further asserts that the appellant has failed to comply with special conditions properly attached to the license when it was originally issued.

I am satisfied that the appellant has established that the action of the respondent was erroneous and should be reversed. There must be a certain modicum of finality in appeal proceedings in this Division; and, if a party could denounce the action of its own counsel in the manner of handling an appeal it entrusts to that person, then no action will have finality. The respondent is bound by the action of its counsel. I dismiss the Exceptions as without merit.

Having carefully considered the entire record herein, including the transcripts of the testimony, the exhibits, the written summations of counsel, the Hearer's Report and the written Exceptions of respondent and the written Answers submitted thereto, I concur in the findings and recommendations of the Hearer, and adopt them as my conclusions herein.

Accordingly, it is, on this 29th day of December, 1978,

ORDERED that the action of the Township Council of the Township of Evesham, in failing to renew the license of appellant for the 1977-78 license term, be and the same is hereby reversed; and it is further

ORDERED that the Township Council of the Township of Evesham, be and the same are hereby directed to renew appellant's license for the 1977-78 license term in accordance with the application filed therefor; and it is further

ORDERED that, in order to afford the appellant a certain period wherein it is assured of a viable license to complete its construction financing and building of a licensed premises, the Township Council be and the same is hereby directed to renew appellant's license for the 1978-79 license term in accordance with the application filed therefor; and it is further

ORDERED that, in the event that the licensed premises are not constructed by June 30, 1979, the Township Council be and the same are hereby directed to renew the appellant's license, upon proper application filed and fee paid, for the 1979-80 license term, expressly subject to the special condition that, if the appellant fails to activate the license by December 15, 1979, said license may then be subject to cancellation proceedings for failure to comply with the aforesaid special condition.

JOSEPH H. LERNER  
DIRECTOR

3. APPELLATE DECISIONS - HOLIDAY INN OF PARAMUS-PARKWAY v. PARAMUS ET ALS.

|  |   |             |
|--|---|-------------|
| Holiday Inn of Paramus-Parkway,  | } |             |
| Appellant,   |   | ON APPEAL   |
| v.   | } | CONCLUSIONS |
| Mayor and Council of the Borough<br>of Paramus, and the Steak Pit, Inc.,<br>t/a The Reef Club, and Pardee Corp., |   | AND         |
| Respondents.   |   | ORDER       |

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Daniel Amster, Esq., Attorney for Appellant.  
 Joseph DiMaria, Esq., Attorney for Respondent - Borough of  
 Paramus.  
 Robert Lichtenstein, Esq., Attorney for Respondents - Steak  
 Pit, Inc. and Pardee Corporation.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

This is an appeal from the action of the Mayor and Council of the Borough of Paramus (hereinafter Council) which, on June 23, 1978, adopted a resolution approving a person-to-person and place-to-place transfer of Plenary Retail Consumption License, 0246-32-019-001, for premises #153 Route 4, from Steak Pit, Inc., t/a The Reef Club, to Pardee Corporation and from its present location to Lot 1 of Block 6303, From Road, in Paramus.

The appellant contends, in its Petition of Appeal, that the approval of the transfer was in violation of the local zoning ordinance. The respondents aver in their Answers that the Council's approval is subject to obtaining the necessary local approvals by the proposed transferee and, further, that the entire subject of such land use is presently before the Superior Court in a matter involving the same parties.

An appeal de novo was heard in this Division, pursuant to N.J.A.C. 13:2-17.6, at which the parties were permitted to introduce evidence and to cross-examine witnesses. In lieu thereof, the parties proffered oral argument of counsel.

The following is a concise statement of the factual matrix

about which the matter revolves: it appears that Paramus has an area of its Borough which it designates as a "limited industrial zone" at which there is presently under construction a rather large building. On the same site, and a few feet away from the large building, is a smaller one to which the subject license has been transferred. The ordinance (73-36) permits the inclusions of a restaurant in that zone only if it is "designed and used primarily to serve customers who are employed in the building in which the restaurant is located." As such, the restaurant now in process of erection would not appear to be located in the building in which the customers are employed.

The Resolution (78-5-286) wherein the transfer was approved contains the qualifying phrase "subject to all Zoning Ordinances and regulations of the Borough of Paramus; and further resolved that the applicant obtain all variances required by such ordinance and regulations of the Borough of Paramus if any are required."

Appellants principal contention, and the sole issue presented, is that the issuing authority had no legal right to approve the transfer in violation of the applicable ordinance. Appellant cites as authority for its contention Tube Bar, Inc. v. Commuters Bar, Inc. et al., 18 N.J. Super. 351/354 (App. Div. 1952) which holds that the grant or denial of a license must be in conformity with the terms of the ordinance authorizing such grant or denial.

Appellant urges that language within Petrangeli v. Barrett, 33 N.J. Super. 378, 384 (App. Div. 1954) is particularly appropriate:

It has long been established that a local governing body has no jurisdiction to grant or transfer a license in violation of the terms of a local ordinance. (citations omitted).

The argument of appellant is not dispositive, sub judice. The above cited cases refer to "the terms of the ordinance authorizing such grant or denial", Tube Bar, Inc. v. Commuters Bar, Inc. supra at page 354, and they all concerned distance-between-premises ordinances specifically applicable to liquor licensed premises.

In the instant matter, there is no violation of the terms of the local alcoholic beverage control ordinance, of statutory or regulatory requirements. The grant of the transfer application is specifically conditioned on conformity to the local zoning ordinances. To that extent, the approval of the place-to-place transfers is not a final definitive determination. It does constitute a final

disposition of all factors referable to the Alcoholic Beverage Law, for which I find no basis to reverse the action of the Council. However, the ultimate ability of the respondent to actively operate at such location shall depend on the outcome of the suit in the Superior Court or other proceedings which indicate that the intended use is proper at the transfer situs.

The appellant has not established that the action of the Council was erroneous and should be reversed as required by N.J. A.C. 13:2-17.6. Accordingly, I recommend that the action of the Council in conditionally approving the subject transfers be affirmed, and that the appeal be dismissed.

#### Conclusions and Order

No written Exceptions to the Hearer's Report were filed pursuant to N.J.A.C. 13:2-17.14.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits, and the Hearer's Report, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 5th day of January, 1979,

ORDERED that the action of the Mayor and Council of the Borough of Paramus be and the same is hereby affirmed, and the appeal herein be and is hereby dismissed.

JOSEPH H. LERNER  
DIRECTOR

4. APPELLATE DECISIONS - RIALTO, INC. v. NEWARK ET AL.

Rialto, Inc. :  
t/a 322 Club, :  
  
Appellant, :  
v. :  
  
Municipal Board of Alcoholic :  
Beverage Control of the City :  
of Newark, 846 Club, Carmen :  
Toppeto, Inc., :  
  
Respondents. :  
  
. . . . . :

CONCLUSIONS  
AND  
ORDER

Patrick F.X. Fitzpatrick, Esq., Attorney for Appellant.  
Salvatore Perillo, Esq., Corporation Counsel, by John C.  
Pidgeon Esq., Attorneys for Respondent-Board.  
Anthony J. Orrico, Esq., Attorney for Respondent-Carmen Toppeto,  
Inc.

BY THE DIRECTOR:

This is an appeal from action of the Municipal Board of Alcoholic Beverage Control of the City of Newark (hereafter Board) which, on June 8, 1978, adopted a resolution approving a person-to-person and place-to-place transfer of Plenary Retail Consumption Lic. 0714-33-206-002, from 846 North 6th Street Corporation to Carmen Toppeto, Inc. and from premises at 165 First Avenue to 312 Bloomfield Avenue, Newark.

Appellant contends in its Petition of Appeal that the place-to-place transfer is violative of the local Ordinance 4:2-17(a) relating to distance requirements between licensed premises. A totally unresponsive Answer to the issue presented by the Petition of Appeal was filed by the Board. No Answer, other than an appearance, was filed by the Respondent-Carmen Toppeto, Inc.

A hearing was held on the de novo appeal in this Division pursuant to N.J.A.C. 13:2-17.6, at which the parties were permitted to introduce evidence and cross-examine witnesses. In lieu thereof counsel relied upon the submission of the transcript of the testimony before the Board, supplemented by oral argument, in accordance with N.J.A.C. 13:2-17.8.

By admission of the parties, the premises from which the license is to be transferred is about 650 feet to the premises to which transfer was approved. Additionally, the person-to-person transfer was accomplished in the same resolution.

The admission further revealed that the application filed in the matter was pursuant to N.J.A.C. 13:2-7.1 as a combined transfer.

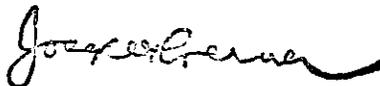
The subject ordinance (4:2-17-a) permits transfer within 600 feet of premises from which transfer is made "of an existing license to the same licensee only". (underscore added).

It was clear from the Resolution that the transfer was a combined transfer under N.J.A.C. 13:2-7.14, which permits such combined transfers for both person-to-person and place-to-place. Obviously, therefore, the Ordinance was not complied with.

All this was admitted by counsel, who waived the receipt of a Hearer's Report. There being no evidence whatsoever substantiating by actual measurements the distances here involved, it became apparent that the matter should be referred back to the Board for the preparation of a complete record in the matter and further to permit the filing of an individual application for person-to-person transfer after a place-to-place transfer has been granted, if in fact the Board then determines to grant such transfer.

Accordingly, it is, on this 20th day of December, 1978,

ORDERED that the within matter be and the same is hereby remanded for a hearing or other proceedings before the respondent, Municipal Board of Alcoholic Beverage Control of the City of Newark, consistent with the procedures hereinabove set forth.



JOSEPH H. LERNER  
DIRECTOR